IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO.35 OF 2002

Mr. Abdul Sattar Chowhan,
residing at House No.844,
B-5, St.Mary's Colony,
Miramar, Panaji-Goa..... APPELLANT

VERSUS

1. Mr. Lino Xavier Conceicao
   Noronha,

2. Mrs. Elsa Dos Remedios
   Monteiro e Noronha,
   Both residing at F-1,
   Casa Immaculada,
   Opp. Panaji Church Hall,
   Panaji-Goa..... RESPONDENTS.

Mr. J.E. Coelho Pereira, Sr. Advocate, with Mr. J. Godinho, Advocate,for the Appellant.

Mr. S.S. Kantak with Ms R. Chodankar, Advocates, for the Respondents.

CORAM : S. RADHAKRISHNAN,J.

DATED : SEPTEMBER 13, 2002.

ORAL ORDER

Heard the learned Counsel for the Appellant and the Respondents.

2. After hearing the parties for some time, the learned Counsel for the Respondents Shri Kantak fairly agreed that the Appellant can carry out only water proofing of the terrace of the second floor of the newly constructed building.

3. In view of the fact that the Order impugned in this Appeal is interlocutory in nature,the main controversy in the suit can be resolved by expediting the hearing of the suit itself. Under these circumstances, the hearing of the above Special Civil Suit No.91/2001/A pending before the learned Civil Judge, Senior Division, Panaji is expedited. The learned Civil Judge, Senior Division, at Panaji is directed to hear the above suit as expeditiously as possible, preferably on or before 30th April, 2003.

4. Otherwise, I am not inclined to interfere with the impugned Order. The Appeal is devoid of substance and hence dismissed.

S. RADHAKRISHNAN,J.

ac.